



Home > NewsRoom > Speeches

THE MAIN ESTIMATES SPEECH BY THE MINISTER OF JUSTICE

May 9, 2002

Introduction

Mr. Chairman, members of the Committee,

This is the first time that I have appeared before you as the Minister of Justice and it is therefore the first opportunity I have had to inform you about the initiatives and activities of my new Department. Perhaps I may begin by pointing out that I am familiar with your work and that your critical analysis of the various bills referred to you is greatly appreciated and reflects the important role played by parliamentarians.

Last year you dealt with a heavy docket of justice-related bills. I want to thank you for your accomplishments - particularly for your work on Bill C-36, the anti-terrorism legislation.

The concerted efforts of this Committee led to many significant improvements in the creation and implementation of C-36. Your Committee worked swiftly and effectively under an impossibly short deadline. I am very proud of the results, and believe members of this Committee should also take pride in their efforts.

Of course, we live in troubled times on the global stage but I appreciate the fact that the Justice portfolio has been entrusted to me at this time, when the spotlight falls on Canadian democracy in particular as we celebrate the twentieth anniversary of our *Charter of Rights and Freedoms*, which, in the eyes of most Canadians, defines us as a people and as a nation.

The Charter enshrines our liberal traditions and enables us to respond quickly and effectively to change. The impact of the Charter has been felt in four separate areas: Canadian society; government and public administration; the judiciary and the courts; and the judicial systems of other countries. For example, the *Bill of Rights* adopted in New Zealand in 1990 draws deeply on the constitutional protections enshrined in our Charter.

It can be stated without fear of contradiction that the Charter gives all Canadians a voice. Its contents must always be interpreted in a manner that maintains balance and co-ordination between individual rights and collective interests. By seeking to create this delicate balance, the *Canadian Charter of Rights and Freedoms* is our guarantee of a society that treats its members with increasing fairness and it upholds the democratic traditions and ideals of our nation.

I believe that Canadians at all levels of society should feel that they "own" the Charter. The dialogue surrounding it is not limited to court decisions and to the response of Parliament and government to such decisions. Respect for the fundamental rights and freedoms enshrined in the Charter is the responsibility - as well as the privilege - of every individual Canadian citizen.

As Attorney General, I have a personal commitment, and a legal responsibility, to ensure that the *Charter of Rights and Freedoms* is upheld in every law proposed and enacted by the Government of Canada. I rely on many others - particularly the members of this Committee - for help in meeting in commitment.

Achievements

You will, I am sure, agree with me that there have been many achievements in the justice field during the last year, but before I look at them I should like to take this opportunity to say a few words about Bill C-36. As you are all aware, it was necessary to draft the Bill rather quickly and the regular legislative process had to be telescoped somewhat. The Department had to apply all its knowledge of teamwork and co-operation in order to do its work in the time it was given. Of course, Parliament played its role in changing the Bill.

Counter-terrorism measures in modern democracy called for a delicate balance to be struck between the state's needs for security and the need to maintain vigilance with regard to encroachments on individual rights and freedoms. In developing Canada's Anti-terrorism Act, all of the provisions were analysed to ensure that the legislation was consistent with the fundamental rights and freedoms that are guaranteed in our Charter.

Canada's anti-terrorism effort is not limited to the enactment of Bill C-36. As you all know, it also includes the provision of international assistance. In this regard, I recently met with the minister of justice and attorneys general of the countries of the western hemisphere in Trinidad and Tobago to discuss co-operation in the field of justice with particular reference to counter-terrorism and international organized crime. During that meeting, I stressed the need for effective and appropriate legislation while ensuring that fundamental rights are maintained. I supported a resolution concerning the establishment of a means of bringing together by electronic means intelligence on criminals obtained by the member states of the O.A.S. and I urged my colleagues there to take action to ensure greater co-operation in the field of criminal justice. I was particularly pleased that this resolution received unanimous support.

Bill C-24 on organized crime also received Royal assent last year. It helps to make the work of our police forces and prosecutors easier as they investigate criminal organizations and attempt to disband them. The Bill contains a clear definition of what organized crime is. The Bill also creates three new offences and helps to protect witnesses and jurors as well as their families against threats and reprisals.

The government of Canada has committed the sum of 200 million dollars over the next five years specifically to help implement Bill C-24.

Of course, the Department of Justice supports a number of programs and initiatives such as the National Crime Prevention Centre, which was recently expanded, to help ensure that the Canadian justice system is always fair and accessible to all Canadians. Last July, moreover, the government of Canada announced further investment of 145 million dollars in the National Strategy on Community Safety and Crime Prevention.

The *Youth Criminal Justice Act*, which was passed by Parliament in February, allows for a fair and effective youth justice system. I appreciate the hard work and long hours dedicated by this committee to this law. Canadians have waited long enough for a fairer and more effective youth justice system and we must move ahead to support the implementation of this legislation.

It is in this spirit that I will soon announce the formation of a Reference Group on Youth Justice Renewal. The combined expertise of members of the Reference Group will provide the Department with expertise on youth crime and will help integrate all sectors involved in youth justice.

I have also committed to helping the provinces and territories achieve the objectives of youth justice renewal. I should like to remind the Committee at this point that the government of Canada has committed almost one billion dollars over five years in cost-sharing agreements.

Before moving on to talk to you about my ideas for the future, I shall like to offer my support for the work currently being done by this Committee concerning the provisions of the *Criminal Code* concerning mental disturbance, the blood alcohol level used in impaired driving offences and the criminal liability of corporations, which is the subject of Bill C-284 and is, without a shadow of a

doubt, linked to the Westray Mine tragedy, which occurred ten years ago today.

With respect to the issue of conditional sentences, the Supreme Court of Canada has provided further guidance that emphasizes that conditional sentences should include both punitive and rehabilitative objectives and that conditions such as house arrest or curfew should be the norm. Having said this, I understand that your Committee has agreed to review the use of conditional sentences. I look forward to receiving your views on this matter, and pledge the co-operation of my officials in this work.

Future projects

We have made substantial strides over the last year but there is still a lot of work to do in many key areas. My vision is based on the Charter or, more specifically, on the protection of fundamental rights and freedoms in Canada as well as the need to provide access to the justice system.

One challenge that is particularly important to me is the need to make the justice system more accessible to Canadians. I should like to see justice available to all Canadians, including those who cannot afford expensive legal representation.

A strong legal aid system is one of the pillars supporting Canada's system of justice. It is important to ensure that economically disadvantaged Canadians have equitable access to criminal legal aid. Although the federal government provides funding for criminal and civil legal aid, the Provinces and Territories are responsible for the management and administration of their legal aid programs. We recognize, however, that there are increasing pressures and strains on the legal aid system. That is why the federal government has approved an increase in its contribution to provinces from \$79.8 million to \$99.3 million and to territories from \$2.1 million to \$2.6 million for criminal legal aid. This additional funding was also provided last fiscal year (2001-2002).

Now, this alone is not a solution. Together with our provincial and territorial partners we have embarked on a 2-year review of legal aid, which includes a legal aid research initiative to look at unmet needs. In addition, pilot project funding of \$1.2 million will allow jurisdictions to test innovative and alternative service delivery methods. The results of this research will allow the federal government to develop, in concert with its provincial and territorial partners, a long-term strategy to ensure equitable access to legal aid services across Canada.

The Department has contributed \$82 million a year for the past five years to the provinces and territories for criminal legal aid. In response to concerns about rapid growth in demand for legal-aid services, we gave an additional \$20 million for 2001-2002.

But to address the issue of access, I believe we will need to do much more than simply increase spending on legal aid. We need to invest more in public legal education and develop approaches such as alternative dispute resolution and restorative justice. These approaches can resolve many types of conflicts and help ease the heavy burden carried by our court system. We have already seen some encouraging results from initiatives led by the Department of Justice in this area.

For example, new drug courts to deal with drug offences have been established in Toronto and Vancouver and are helping to redirect addicts away from the criminal courts and into supervised treatment programs. These addiction treatment courts are designed to meet the needs of criminals who are addicted to various substances and contribute to safe communities. As the Minister, I hope to work with the Department in order to promote similar initiatives in other areas such as the North, where new initiatives are sorely needed.

Moreover, the government believes that the security of Canada's young people is of paramount importance and that is why the officials in my Department are preparing legislative measures and programs to protect them. The *Federal Child Support Guidelines*, for example, have helped to protect the children of parents who are involved in divorce proceedings from the financial problems

that often go hand in hand with marriage breakdown. As a result of the Guidelines, most parents who are divorcing can now reach agreement on the financial support payments to be made for the family without having to go to court. The government of Canada also strengthened the procedures to help provincial and territorial agencies ensure compliance with the duty to support one's family financially.

As you are aware, I recently tabled a report on the provisions and application of the *Federal Child Support Guidelines* and I am continuing to look for better ways to meet the needs of children. I plan to announce a more comprehensive strategy in the fall.

On the other hand, the officials in my Department acknowledge that the rapid growth of electronic media has substantially increased the availability of child pornography. The recent decision of the British Columbia Supreme Court in the *Sharpe* case is complex. I feel that it is essential to examine the repercussions of this decision before we consider taking any steps. However, I have asked the officials in my Department to advise me as to the possibility of amending the legislation to provide better protection for children. Having said this, we must always have as the goal we seek a happy medium between freedom of expression and child protection. I should add that the provisions in Bill C-15A relating to child pornography are among the most stringent in the western democracies.

In order to fight child pornography and other crimes effectively, I feel that we must continue to strengthen the role played by Canada in the field of international justice. The Department has been very active in many international issues over the last year. The government is very proud of the role it played in the establishment of the International Criminal Court. However, we must double our efforts to ensure that Canada continues to be an effective participant in a world where economic and political globalization requires multilateral co-operation.

There is a growing recognition that the rule of law and an effective justice system are essential prerequisites to democracy, the promotion of human rights, security, and sustainable development. A New Partnership for African Development, which -- offers the opportunity to define a new relationship between Africa and its development partners - will be a principal focus of discussion at the G8 Summit in Kananaskis in June. My Department will play its part in the success of this initiative.

Furthermore, we need to build on what has been done in the past in this country to combat organized crime and terrorism - by means of Bills C-24 and C-36 - by adopting energetic measures at the international level. One target must be the battle against the growing problems linked to "cyber-crime". We are seeing sophisticated computer and telecommunications technologies being used in criminal activity on a global scale, ranging from child pornography to drug trafficking. The forces of law and order around the world will find it difficult to co-operate as effectively as possible to combat these activities if the necessary international legal instruments are not available to them.

In keeping with our international commitments to combat terrorism, I will be co-hosting the fifth meeting of the G8 Ministers of Justice and Interior to be held May 13-14 at Mont Tremblant. The theme of the Ministerial is "Protecting Society from International Terrorism and Crime". This conference is one more example of the Government of Canada's leadership role in promoting international co-operation in the battle against terrorism.

We will be working with our international partners in addressing critical public security issues such as legal aspects of terrorism financing, role of law enforcement and intelligence services in chemical, biological, radiological, or nuclear (CBRN) threat assessment and incident response, appropriate use of technology to ensure public safety, the protection of children on the Internet, exchange of experiences in developing domestic counter-terrorism measures and the convergence of international terrorism and crime. It is my intention to take a leading role in developing the ideas that will inform the discussion and I intend to fully participate in shaping the agenda.

The Department plays a pivotal role in ensuring that Canada remains a stable and safe democracy that has a fair and accessible justice system. We are in ongoing consultations with the stakeholders and the people of this country to ensure that our programs and initiatives meet their needs. We are constantly assessing our procedures and systems for delivering effective and efficient services.

I am very eager to work with the Committee in order to improve our justice system to reflect Canada's growth and development. I thank you for your attention and I shall be happy to answer your questions.

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